

**EXHIBIT 35  
FILED UNDER SEAL**

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ORACLE, USA, INC., a )  
Colorado corporation; )  
ORACLE AMERICA, INC., a )  
Dealaware corporation; )  
and ORACLE INTERNATIONAL )  
CORPORATION, a )  
California corporation, )  
Plaintiffs, )  
vs. ) No. 2:10-cv-0106  
RIMINI STREET, INC., a ) -LRH-PAL  
Nevada corporation; SETH )  
RAVIN, an individual, )  
Defendants. )  
\_\_\_\_\_  
)

Videotaped Deposition of MICHAEL JOHN  
DAVICHICK, taken at Three Embarcadero  
Center, 28th Floor, San Francisco,  
California, commencing at 9:03 a.m.,  
Thursday, July 21, 2011, before  
Kenneth T. Brill, CSR No. 12797.

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Transcript Redacted

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1	APPEARANCES OF COUNSEL:		
2			
3	FOR THE PLAINTIFFS:		
4	BINGHAM MCCUTCHEN LLP	1 MICHAEL JOHN DAVICHICK, after	09:04:29
5	BY: THOMAS S. HIXSON, ESQ.	2 having been first duly sworn, was	09:04:29
6	Three Embarcadero Center, 28th FLoor	3 examined and testified as follows:	09:04:29
7	San Francisco, CA 94111-4067	4 ---	09:04:29
8	(415) 393-2152	5 EXAMINATION	09:04:29
9	thomas.hixson@bingham.com	6 ---	09:04:29
10		7 BY MR. HIXSON:	09:04:32
11	FOR THE DEFENDANTS:	8 Q. Good morning, sir. We met already this	09:04:33
12	SHOOK HARDY & BACON LLP	9 morning, but I'm Tom Hixson and I represent Oracle	09:04:34
13	BY: ROBERT RECKERS, ESQ.	10 in this case.	09:04:37
14	DAVID J. NIEGOWSKI, ESQ.	11 Will you please state your name for the	09:04:38
15	JP MORGANCHASE Tower	12 record.	09:04:39
16	600 Travis Street, Suite 1600	13 A. Sure. My name is Michael John Davichick.	09:04:40
17	Houston, TX 77002-2911	14 Q. Have you had your deposition taken before?	09:04:44
18	(713) 227-8008	15 A. No.	09:04:46
19	(816) 559-2687	16 Q. I'd like to go over a few of the ground	09:04:46
20	rreckers@shb.com	17 rules for today. First, do you understand that even	09:04:49
21	dniegowski@shb.com	18 though we're in a somewhat informal setting, you are	09:04:51
22		19 testifying under oath and you have the same	09:04:54
23	ALSO PRESENT:	20 obligation to testify truthfully that you would if	09:04:56
24	Sean McGrath, Videographer	21 you were in a court of law?	09:04:58
25		22 A. I do.	09:04:59
		23 Q. Okay. After your deposition is completed,	09:05:00
		24 you will have the opportunity to review the	09:05:05
		25 transcript and make any corrections, but I will also	09:05:07
	Page 3		Page 5
1	THE VIDEOGRAPHER: Good morning. We are	1 have the opportunity to comment on any corrections	09:05:10
2	on the record at 9:03 a.m. on July 21st, 2011.	2 that you may make.	09:05:13
3	This is the videotaped deposition of Michael	3 Do you understand that?	09:05:13
4	Davichick. My name is Sean McGrath, here with our	4 A. I do.	09:05:14
5	court reporter, Ken Brill. We are here from	5 Q. The court reporter can only transcribe	09:05:15
6	Veritext National Deposition & Litigation Services	6 what one of us is saying at a time, so we need to be	09:05:17
7	at the request of counsel for plaintiff.	7 careful not to speak over each other. So I will try	09:05:21
8	This deposition is being held at Three	8 to wait for you to finish your answer before I go on	09:05:24
9	Embarcadero Center in the City of San Francisco,	9 with the question, and I'd like it if you -- to wait	09:05:27
10	California. The caption of this case is Oracle,	10 for me to finish my question before you begin your	09:05:31
11	U.S.A., Incorporated, versus Rimini Street,	11 answer.	09:05:33
12	Incorporated, et al. Case number	12 Do you understand that?	09:05:34
13	2:10-CV-0106-LRH-PAL.	13 A. I do.	09:05:34
14	Please note that audio and video	14 Q. From time to time your attorneys may make	09:05:35
15	recording will take place, unless all parties agree	15 one or more objections. Unless they instruct you	09:05:37
16	to go off the record. Microphones are sensitive	16 not to answer, however, after they've made their	09:05:39
17	and may pick up whispers, private conversations and	17 objection, you do need to provide an answer to the	09:05:41
18	cellular interference. At this time will counsel	18 question, to the extent that you understand it.	09:05:43
19	and all present identify themselves for the record.	19 A. Okay.	09:05:45
20	MR. HIXSON: Tom Hixson, for plaintiffs.	20 Q. Do you understand that?	09:05:46
21	MR. RECKERS: Rob Reckers, for defendants.	21 A. I do.	09:05:46
22	MR. NIEGOWSKI: David Niegowski, for	22 Q. If there is any time during this	09:05:50
23	defendants.	23 deposition when you would like to take a break,	09:05:52
24	THE VIDEOGRAPHER: Thank you. The witness	24 please let me know and we can take a break. The one	09:05:54
25	will be sworn in and we can proceed.	25 exception is if there's a question pending that you	09:05:57

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1 Q. Can you identify the individuals in legal 01:41:09  
2 at that time? 01:41:12  
3 A. I -- I don't know who they were. It 01:41:12  
4 was -- I -- I don't even know if Chris Pickett was 01:41:13  
5 on board then, I -- I -- I don't know who the 01:41:22  
6 attorneys were. 01:41:23  
7 Q. Okay, does Rimini Street have any in-house 01:41:23  
8 lawyers today? 01:41:26  
9 A. Yes. 01:41:27  
10 Q. Okay. And who is that? 01:41:27  
11 A. Chris Atteberry. 01:41:28  
12 Q. Any there any others? 01:41:31  
13 A. There is one other that's new, and I don't 01:41:31  
14 know his name. 01:41:33  
15 Q. In January of 2008, how many in-house 01:41:34  
16 attorneys did Rimini have? 01:41:37  
17 A. I believe one or two. 01:41:38  
18 Q. And you can't recall who they were? 01:41:40  
19 A. No. 01:41:42

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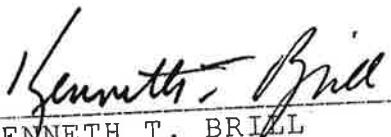
1 CERTIFICATE OF REPORTER  
2

3 I, KENNETH T. BRILL, a Certified Shorthand  
4 Reporter, hereby certify that the witness in the  
5 foregoing deposition was by me duly sworn to tell  
6 the truth, the whole truth, and nothing but the  
7 truth in the within-entitled cause;

8 That said deposition was taken down in  
9 shorthand by me, a disinterested person, at the time  
10 and place therein stated, and that the testimony of  
11 the said witness was thereafter reduced to  
12 typewriting, by computer, under my direction and  
13 supervision;

14 I further certify that I am not of counsel  
15 or attorney for either or any of the parties to the  
16 said deposition, nor in any way interested in the  
17 event of this cause, and that I am not related to  
18 any of the parties hereto.

19  
20 DATED: July 27, 2011  
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KENNETH T. BRILL  
CSR#12797

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